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DEC 1 3 **FEDERAL COMMUNICATIONS COMMISSION**
Washington, D.C. 20554

DA 94-1326

In the Matter of)
)
Amendment of Part 90 of the) PR Docket No. 93-144 ✓
Commission's Rules to Facilitate) RM-8117, RM-8030
Future Development of SMR Systems) RM-8029
in the 800 MHz Frequency Band)

and

Implementation of Section 309(j))
of the Communications Act -) PP Docket No. 93-253
Competitive Bidding)
800 MHz SMR)

ORDER

Adopted: November 28, 1994

Released: November 28, 1994

By the Acting Chief, Land Mobile and Microwave Division:

1. We have received requests from the American Mobile Telecommunications Association, Inc. ("AMTA") and SMR WON for an extension of time for filing Comments and Reply Comments in response to the *Further Notice of Proposed Rule Making* in this proceeding.¹ AMTA's motion, filed on November 22, 1994, requests that the Commission extend the deadlines for filing comments and reply comments (currently December 5, 1994 and December 20, 1994, respectively) by 30 days. SMR WON's motion, filed on November 21, 1994, requests that the deadlines be extended by 60 days. To date, no opposition to either request has been filed.

2. AMTA seeks a 30-day extension so that it may work with its members, who represent a broad cross-section of small and large Specialized Mobile Radio (SMR) providers, to achieve consensus regarding the numerous and complex issues raised by the *Further Notice*. AMTA observes that the proposals presented in the *Further Notice* would have "significant, yet different, implications for those intending to provide wide-area services

¹*Further Notice of Proposed Rule Making*, Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band and Implementation of Section 309(j) of the Communications Act - Competitive Bidding, 800 MHz SMR, PR Docket No. 93-144 and PP Docket No. 93-253, FCC 94-271, adopted October 20, 1994, released November 4, 1994 (*Further Notice*).

versus those who plan to maintain their systems in a more traditional configuration."² As a result, AMTA contends that it is imperative that the SMR industry be given sufficient time not only to evaluate the proposals fully but also to seek a consensus on as many issues as possible.

3. SMR WON, a new organization representing SMR operators in smaller markets and rural areas, states that a 60-day extension is needed so that its consultants may prepare economic and engineering studies that it intends to rely on in filing comments. SMR WON also contends that additional time is necessary to achieve industry consensus given the current disagreements among members of the industry about issues raised in this proceeding.

4. We agree with both AMTA and SMR WON that the public interest would be served by granting an extension so that members of the SMR industry have the opportunity to reach consensus about the proposals presented in this proceeding. Both parties indicate that discussions among industry members are under way, but that the current comment deadlines do not allow sufficient time for consensus positions to develop. We therefore agree with AMTA that a 30-day extension of the comment period is appropriate. We emphasize that in granting this extension, we expect SMR industry representatives to use the additional time productively to seek a consensus on as many issues as possible and to ensure that the Commission receives thorough and well-reasoned comments on all issues in this proceeding.

5. We also decline to grant SMR WON's request for a 60-day extension. SMR WON asserts that a 60-day extension is necessary to enable its economic and engineering consultants to complete studies that SMR WON has commissioned for this proceeding. SMR WON's motion indicates, however, that these consultants were not retained until after November 4, 1994.³ We note that hiring of consultants is a matter within SMR WON's control and could have occurred at an earlier date. We also reject SMR WON's contention that the Commission did not provide sufficient detail regarding its proposals prior to November 4, when the *Further Notice* text was released, to enable SMR WON to commence its analysis earlier. In fact, the Commission outlined the major details of its 800 MHz SMR proposal well before November in the *Third Report and Order* in GN Docket No. 93-252.⁴

6. Accordingly, IT IS HEREBY ORDERED that the Motion of Extension of Time filed by the American Mobile Telecommunications Association is GRANTED, and the Motion for Extension of Time filed by SMR WON is hereby DENIED.

7. IT IS FURTHER ORDERED, pursuant to Section 1.46 of the Commission's

²AMTA Motion at 3.

³See SMR WON Motion at 2, 3.

⁴See *Third Report and Order*, Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, GN Docket No. 93-252, FCC 94-212, adopted August 9, 1994, released September 23, 1994, at paras. 95-106.

Rules, 47 C.F.R. § 1.46, that the deadline for filing initial comments in this proceeding is extended from December 5, 1994 to January 5, 1994, and that the deadline for filing reply comments is extended from December 20, 1994 to January 20, 1994.

FEDERAL COMMUNICATIONS COMMISSION

Rosalind K. Allen

Rosalind K. Allen
Acting Chief, Land Mobile and Microwave Division
Private Radio Bureau